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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,514	12/19/2005	Neville Simeon Conrad	BKYZ 2 00109	9365
27885	7590	06/11/2007	EXAMINER	
FAY SHARPE LLP			PATEL, DHIRUBHAI R	
1100 SUPERIOR AVENUE, SEVENTH FLOOR			ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114			2831	
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/535,514	CONRAD, NEVILLE SIMEON	
	<b>Examiner</b>	<b>Art Unit</b>	
	DHIRU R. PATEL	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 March 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

**1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.**

#### **Arrangement of the Specification**

**As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:**

- (a) TITLE OF THE INVENTION.**
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.**
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.**
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.**
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.**
- (f) BACKGROUND OF THE INVENTION.**
  - (1) Field of the Invention.**
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.**
- (g) BRIEF SUMMARY OF THE INVENTION.**

**(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).**

**(i) DETAILED DESCRIPTION OF THE INVENTION.**

**(j) CLAIM OR CLAIMS (commencing on a separate sheet).**

**(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).**

**(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A**

**“Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).**

***Claim Objections***

**2. Claims 24-28 are objected to because of the following informalities:**

**In claim 24 lines 1-9, “ a receptacle ....the associated electrical plug appliance” is not adequately supported by the specification.**

**In claim 26 lines 1-4, “ a receptacle ..... the stand member ”is not adequately supported by the specification.**

**Appropriate correction is required.**

***Specification***

**3. The amendment filed 3/907 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows:**

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**In claim 24 lines 1-9, “ a receptacle ....the associated electrical plug appliance.”**

**In claim 26 lines 1-4, “ a receptacle .... the stand member ”.**

**Applicant is required to cancel the new matter in the reply to this Office Action.**

**Claim Rejections - 35 USC § 102**

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless --**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**4. Claims 1- 12,14-15,17- 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Saylor et al (6,192,805).**

**Saylor et al disclose:**

**Regarding claims1 and 5, a receptacle for electrical cable 14 comprising a substantially rigid stand member 13 carrying a flexible cable retaining member 10 which is so formed as to resiliently retain the cable between the cable retaining member and the stand while allowing a flow of air past the cable (see figs 2 and 5, column 2 lines 65-67 and column 3 lines 1- 65).**

**Regarding claim 2, wherein the flexible member being connected to the rigid member by at least one strap 61(see figs 1-3, column 5 lines 15-20).**

**Regarding claims 3-4, wherein said at least one strap is resilient (for claim 3) and elasticated (for claim 4), see column 4 lines 66-77 and column 5 lines 1-2.**

**Regarding claim 6, wherein the flexible member is connected to the rigid member by only one strap (61), the one strap forming a border around the periphery of the flexible member (see figs 1-3, column 5 lines 15-20).**

**Regarding claim 7, wherein at least part of said at least one strap connects the flexible member to the rigid member removably (see figs 1-3 and 5).**

**Regarding claim 8, wherein said at least one strap connects the flexible member to the rigid member removably via studs 63 with enlarged heads acting as hooks (see fig 1).**

**Regarding claim 9, wherein the flexible member is a perforated bag (see figs 2 and 5).**

**Regarding claim 10, wherein the flexible member is a net (see figs 3-4).**

**Regarding claim 11, wherein the flexible member is elasticated (see column 3 lines 27-50).**

**Regarding claim 12, wherein the net is sufficiently elastic to permit an electrical plug (73) appliance to be pushed through an aperture 54, 55 of the net and then retained securely inside it (see fig 3, column 3 lines 20-26, column 4 lines 45-65, column 5 lines 60-67).**

**Regarding claim 14, wherein the rigid member includes cable guide means 22 (see fig 1 ).**

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**Regarding claim 15, wherein said guide means comprises slots 54, 55 for locating cables (See figs1 and 3).**

**Regarding claim 17, wherein the rigid member is formed from a sheet material and said each slot for locating cables extends inwards from an edge of the rigid member (see fig 3, column 3 lines 1-30).**

**Regarding claim 18, wherein said slots for locating cables are so shaped as to co-operate with an adjacent surface in order to retain the cables (see fig s1 and 3).**

**Regarding claim 19, wherein said slots for locating cables are formed so as to co-operate with a table in order to retain the cables (see fig1 and column 3 lines 1-30).**

**Regarding claim 20, wherein the rigid member is adapted to hang from the edge of a desk 11 (see fig 1).**

**Regarding claim 21, wherein the rigid member is adapted to stand upright on a surface (see fig 1).**

**Regarding claim 22, wherein said rigid member has silicone, or rubber strips to grip the surface of a table, a desk (see entire column 5).**

**Regarding claim 23, the assembly of Saylor et al capable of adapted to house a multiway connector.**

**5. Claims1, 5, 9-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gresham et al (6,701,677).**

**Gresham et al disclose:**

**Regarding claims 1 and 5, a receptacle for electrical cable 34 comprising a substantially rigid stand member 20 carrying a flexible cable retaining member 28 which is so formed as to resiliently retain the cable between the cable retaining member and the stand while allowing a flow of air past the cable (see figs 3-4 and entire column 2).**

**Regarding claim 9, wherein the flexible member is a perforated bag (see figs 3-4).**

**Regarding claim 10, wherein the flexible member is a net (see figs 3-4).**

***Allowable Subject Matter***

**6. Claims 13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and search in EAST.EPO, JPO, DERWENT, PGPUB AND USPAT.**

**7. Claims 24-28 would be allowable if rewritten to overcome the rejection(s) under the claim objections and the specification objections, set forth in this Office action, and search in EAST.EPO, JPO, DERWENT, PGPUB AND USPAT.**

**The following is a statement of reasons for the indication of allowable subject matter:**

**The primary reasons for the indication of the allowability of claims 24-28 are the inclusion therein, in combination as currently claimed, of the limitation of the receptacle comprising: a one piece substantially rigid stand member including a generally horizontal portion, a generally vertical portion, and a curved trough portion .**

**The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.**

***Conclusion***

**8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

**A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.**

***Response to Arguments***

**9. Applicant's arguments with respect to claims 1-12, 14-15 and 17-23 have been considered but are moot in view of the new ground(s) of rejection. With respect to arguments that claim 1 has been amended to recite that "the flexible cable retaining member is so formed as to resiliently retain the cable between the**

cable retaining member and the stand". The examiner respectfully disagreed because the current rejection includes the claim limitations.

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DHIRU R PATEL  
PRIMARY EXAMINER  
6/6/07

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**Primary Examiner**  
**Art Unit 2831**

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